

**United States District Court
Northern district of California**

FILED

Neal G. Benson Litigant
5462 Begonia Dr.
San Jose, Ca. 95124

2007 NOV 26 P 2:56

ADR # 9 FOR COMMITTEE CONSULTING

Case No. C07 03476 RMW W. WIEKING
To clarify the actions of the Police and Masons
acts referred to as *res judicata* for Judge Whyte.
REFERENCE PAGE 2 OF THE COURT ROOM
#6 4TH FLOOR HONORABLE JUDGE RONALD
M. WHYTE CIVIL LAW AND MOTION ON THE
COURT INFORMATION PAGES ON DOOR.

Neal G. Benson
Plaintiff

VS

ATTENTION

HONORABLE JUDGE R. M. WHYTE)
(TO BE SETTLED BY ADR MEETING)
WITH OTHER ADR ADDITIONS) PLUS
ATTORNEYS FOR THE DEFENDANTS.
SANTA CLARA MASONIC LODGE #299)
MASONIC GRAND LODGE S. F. CA.)
SCOTTISH RITE BODIES OF S. J. CA)
THE SANTA CLARA POLICE DEPT)
AND CITY OF SANTA CLARA, CA)

Defendants

**TENTATIVE RULINGS FOR FRIDAY NOVEMBER 9, 2007
ON**

Case number C-07-03476-RMW

Title: Benson v. Santa Clara Masonic Lodge #299, et al.

Ref. Tentative Ruling By Judge R M Whyte: Benson's claims barred by *res judicata*.

This statement by Judge R. M. Whyte on Benson's claims barred by statute of limitations added on to the 2nd set of charges against the Santa Clara Police Department and on the Masons, without any written proof including the original charges other than the file was closed by the expiration of the "statute of limitations" that had been added on. The Defendants attorneys, since they have claimed SO SHOW ME PROOF OF THE ADDITION ON TO THE ORIGINAL CHARGES I FURNISHED THE Santa Clara Police Department Sgt. Rees. IF THE DEFENDANTS ATTORNEYS CANNOT DELIVER A COPY OF THE ADDITIONS OR CHANGES I WAS VERBALLY INFORMED OF, NOT A REPRO COPY OF THE FILE NUMBER OF THE CHARGES STATING IT WAS CLOSED AND NO COPY OF THE ORIGINAL CHARGES AND CHANGES, THEN HAVE THE JUDGE REMOVE THE RES JUDICATA.

I was informed verbally but not given a formal copy by the Police Department internal affairs officer SHOWING THE CHANGES and additions to my charges and changing Criminal to Civil on the charges prior to or after the date he, Sgt. Rees said it had expired. Since I have written proof that both the Former Chief of Police and Sgt. Rees lied on paper about their investigations with signatures should be sufficient to cover this subject.

NOW, as stipulated below and in the body of the case number C07 03476 RMW which corrects errors in interpretation of the rules by the plaintiff and replaces the original case

number C03 00119 RMW with clear and concise data as required By Judge Wythe and the Federal RULES AND LAWS on the "under the color of state law" was included but not referred to since the defendants attorneys inform ME AND YOU, Judge, in writing of the expiration of the STATUTE OF LIMITATIONS, before you, Judge, stipulated and dismissed this case. I filed a deposition to reverse your decision and you would not accept my rebuttal because my case was not in the form desired by you judge and my interpretation of the rules and no book in the Santa Clara Law library with the forms listed in it for me to follow.

When I filed case number C07 03476 to correct all the errors and including the correct version of the Illegal statute of limitation which became illegal after it's expiration because of the pattern of criminal acts by the defendants over a long period of time as described in my presentations, was "STOP NEAL BENSON anyway we can FROM CHARGING US OR GO TO JAIL" and the Cops AND Masons did or I would not be writing this to you and the ADR Committee to settle our differences and included the Corrupt Police officers of the Santa Clara Police Department and The Honorable Masonic Lodge members and others.

ALL THAT MATTERS IS THE CRIMINAL HABIT PATTERNS OVER THE PERIOD OF 15 YEARS OF THE Santa Clara POLICE DEPARTMENT AND THE MASONIC LODGE MEMBER'S FOR OVER 50 YEARS. NOW RICO TAKES OVER.

- 1) Is their a pattern of the acts committed that show a pattern over a long period of time?
YES, 17 years and more.
- 2) The Masonic Grand Lodge issued a threat and the Members carried out the threats over a 17 month period causing fear and attempting to stop my bringing charges? YES
- 3) The Masons got a lodge member to join the Santa Clara police force and was able to get the Cops to help them cause me fear and stopped me from bringing charges on 3-28-93? YES
- 4) I filed not one set of charges, but 2 sets against the Masonic Members and the SCPD officers for the verbal rape and humiliation on 3-28-93. On this day I tried to file charges and they would not take my charges against the Masonic Lodge and members.
- 5) In December 1993 I got the gut's to file 2 sets of charges and Sgt. Rees the Internal Affairs officer confiscated my charges without giving me a case number. TRUE? YES
- 6) Then 7 times in 4 years before the Statute of limitations expired, I asked Sgt. Rees for a case number to get the Police Department to file the charges in court. THE COPS WERE'NT ABOUT TO FILE A CIVIL CASE AGAINST THEIR OWN OFFICERS BECAUSE I HAD NAMES OF PERSONS AND WITNESSES and was refused AND DID ALL THEY COULD TO LET THE STATUTE EXPIRE and cover their cops and the Masonic members at the same time. SGT. REES KNEW JUST WHAT TO DO TO STOP ME AND DID AND KEPT ME OUT OF COURT. This was the action as listed in the Federal law under the RICO ACT is illegal and was committed "under the color of State Law" by the Santa Clara Police Department to stop me from taking the accused to court SO THE Statute of Limitations is illegal.
- 7) My daily diary called "Code name Knees" Phase II in book form and is a day to day criminal act listing with names and list of overwhelming evidence (which now totals about 238 witness) to present to a court to convict these corrupt persons and send them to jail or prison if needed.

- 1 8) Sgt. Rees verbally said he was going to change my charges but did not give me any
2 paper work with the changes, names of changes, or dates of those changes, showing he
3 had added to or changed my Criminal charges even when I file claims against the City
4 of Santa Clara and their Officers. I want the Defendants attorney to furnish me, Neal
5 Benson and the Federal court with copies of the Sgt. Rees changes to my charges filed
6 in December 1993.

HISTORY

This history is listed in C03 00119 and C0703476 cases I have filed.

- 7 1) Case # C03 00119 RMW AND C07 03476 HRL
- 8 a) On 10-4-07 Judge Ronald M. Whyte issued a document 32 stating the 2 cases are the
9 same case 5:07-cv-03476-HRL.
- 10 b) In the case # C07 03476 I, Neal Benson plaintiff, have shown evidence of the Title
11 28 United States code S 1343 which provides a federal court forum in which citizens
12 may seek redress from the deprivation of rights, privileges and immunities under the
13 color of state law.
- 14 1) From 8-1-91 to 3-28-93 or 17 months, over 400 criminal acts committed by the
15 Mexican and Masonic members and others to STOP ME from bringing charges
16 against THEM and I have furnished evidence AND NAMES OF WITNESSES
17 in relation to these crimes and criminal acts committed against Neal Benson.
- 18 2) On 3-28-93 the defendants, the Santa Clara Police Department and the Masonic
19 and Mexican members, when I went to the Santa Clara Police Station to file
20 charges, I ask the Police Matron for a Sgt. and a case number for the charges I
21 came to file. The Matron introduced me to Chris Zercher, A Masonic Past
22 Master who acted as a COP. The police witnesses and Masonic witness made a
23 fool of me and laughed me out of the Police station. I have evidence and
24 witnesses to the act of STOPPING ME from FILING charges and did. This act
25 was verbal rape and humiliation or HATE CRIMES, not statutory rape.
- 26 3) I returned to the Santa Clara Police Station in December 1993 with 2 sets of
27 charges and is backed up with evidence and witnesses also. #1 charge against
28 the Masonic members and others and #2 the Santa Clara Police officers
 involved in their attempt to cause fear and scare me out of filing charges as the
 Grand Lodge has issued a letter to cease and desist or else suffer the
 consequences.
- 4) This time Sgt. Rees in December 1993 used his position as Internal affairs
 Officers to confiscate my 2 sets of charges and again STOP MY going to court
 by refusing to give me a case number when I ask for a case number and said
 because of the COPS are now involved he had to evaluate the charges and will
 get back to me. I ask for a case number from him 7 times during his 4 years of
 evaluating AND SAID HE CHANGED MY CHARGES TO Civil and added
 an ILLEGAL statute of limitations on my charges and never gave me a case
 number so my case AND FROM THE START WAS NEVER GOING to court.
 Just as the Masonic Lodge STOPPED ME 7 TIMES MORE BY THREATS
 AND FEAR and they covered up the criminal acts of Elden Zercher, the son of
 Chris Zercher a Mason, WHO QUIT BEING A Druggist to become a cop and
 as a Santa Clara Police officer Elden Zercher had the "Code of silence" and the
 protection of the Police Department took precedence because he was one of the

persons with his father AND OTHER MASONS who would go to prison for the criminal acts he committed with his father against me at and with the Santa Clara Masonic Lodge for over 50 years of hate crimes starting in 1949.

- 5) He placed INTENTIONALLY the ILLEGAL statute of limitations on my 2 cases AS THE PLAN WAS TO STOP ME FROM GOING TO COURT EVER AND THERE WAS NO OTHER PLACE FOR ME TO FILE CHARGES. On 4-15-97 the illegal statute expired and was used as the violation of my Civil Rights Act that covers "perpetrated under the color of state law", to STOP MY filing charges. Sgt. Rees was protecting his Officers and the Santa Clara Police Department from a charge of CORRUPTION and was not about to let me send his cops to prison. I have evidence and witnesses included in my attempts to bring charges.
- 6) With no where else to go I went to the Santa Clara Law library and found the Federal acts covering the criminal acts and not being a lawyer have come this far and I will win because I have the laws they have broken and overwhelming evidence and witnesses to prove my case as the Cops used the ILLEGAL STATUTE to STOP ME again from sending the Police officers, Masons, and Mexicans to prison for HATE CRIMES "Under the color of state law".
- 7) Since Case number C07 03476 RMW is the upgrade to Case number C03 00119 RMW, the original ruling by Judge R. M. Whyte is no longer in affect and therefore the statement RES JUDICAT is no longer pertinent to this case. Judge Whyte scheduled the case number C07 03476 on the TENATIVE RULINGS on Friday November 9th 2007 at 9 am and a 10:30 meeting between the defendants and I the Plaintiff to settle this case but decided and cancelled the ADR meeting after I told him of the 238 witnesses and defendants I have named.
- 8) I WAS PREPARED TO SETTLE THIS WITH THE DEFENDANTS. WHAT CHANGED THE JUDGES MIND? Was it because if it goes to the ADR committee and I reference your decision on C03 00119 can be reversed?
- 9) Judge R. M. Whyte, are you a member of the Masonic Fraternity? If you are, remove yourself from this case or be charged with conflict of interests.
- 10) I demand a signed statement that you are not a member or your family is not a member and are not involved with the Masonic Fraternity since they have made it impossible to trust the Masonic Order, or any person in the Police Department or Government security.
- 11) Since I applied to these persons and they have lied and committed criminal acts and you are telling me you are correct with your assumption, on *res judicata* but have not read my case as your only interest was to get a simple list of crimes committed by the defendants who have lied cheated and committed all the charges I have listed 3 times and you have not read the case I presented. When I presented myself before you in your court room, the question you ask was an indication that you have not read the case histories I have filed.
- 12) REMOVE THE RES JUDICATA THAT BARRED MY CLAIMS AND LETS SETTLE THIS CASE YOUR HONOR since I have now shown you the true habit pattern of persons who commit crimes to stop me, Neal Benson and will do anything to stay out of prison, including Cops.

NEAL G. BENSON



DATE 11/25/07